

REMARKS

Claims 1, 3-7 and 29-41 are now present in this application. Claims 4-9 have been amended. Reconsideration of the application, as amended, is respectfully requested.

Claims 4-9 stand rejected under 35 U.S.C. 112, second paragraph. This rejection is respectfully traversed.

As noted by the Examiner, there was a typographical error in these claims. By the foregoing amendments, these typographical error has been corrected. As such, the 35 U.S.C. 112, second paragraph rejection should now be reconsidered and withdrawn.

Claims 1, 3-27 and 29-41 stand rejected under 35 U.S.C. 103 as being unpatentable over Kmetec et al. (U.S. Patent 5,757,831) in view of Bergmann (U.S. Patent 6,128,133). This rejection is respectfully traversed.

The patent to Kmetec et al. discloses an electronic suppression of optical feedback and stabilities in a solid-state laser. The patent to Bergmann discloses an optical beamsplitter. The Examiner finds that because Bergmann desires to have a fixed relationship and because Bergmann in column 2, beginning at line 32 does not differentiate between maintaining this relationship at one particular wavelength or over a predetermined range of wavelengths, the Examiner assumes that it includes the latter.

However, it is respectfully submitted that the patent to Bergmann should not be interpreted to include that the fixed

relationship is maintained over a predetermined range of wavelengths. The reason being that both in claim 1 and in the description in column 1, lines 39-45, it is underlined that "said major surface reflects of a desired wavelength...and the other major surface reflects light of the desired wavelength...". Referring to a desired wavelength does not make it obvious for a person skilled in the art that the invention should also include keeping this fixed relationship over a predetermined range of wavelengths.

The Examiner further points to Fig. 5 wherein the reflectance of the splitter is invariant over the range from 1000-1100nm. However, in Fig. 5, it is seen that the reflection between 1000 and 1100nm is constant and equal to zero.

When the reflection is zero, there will not be a secondary output light beam and thus, it gives no meaning to speak of a fixed relation between a beam which is not present and a primary output light beam. Should this non-presence of a secondary light beam anyway be interpreted as being a fixed percentage of zero percent, the detector will not be able to measure the power of the secondary beam and thus no control signal will be given to adjust the output power of the primary light beam. In the best case, a failure signal will be given and in the worst case, a signal indicating that the power of the primary object light beam should be increased will be given. However, in none of these cases will the output power of the primary output light beam be kept substantially constant.

It is respectfully submitted that the Kmetec et al. patent could not be modified by the teachings of Bergmann in order to teach this system or method as set forth in the present application. Accordingly, it is respectfully requested that the 35 U.S.C. 103 rejection now be reconsidered and withdrawn.

Favorable reconsideration and an early Notice of Allowance are earnestly solicited.

Conclusion

In the event the Examiner does not consider this application to be in condition for allowance, it is respectfully requested that this Amendment be entered for the purposes of Appeal. This amendment should overcome the 35 U.S.C. 112 and therefore simplify the issues for Appeal. Nonetheless it should be unnecessary to proceed to Appeal because the instant application should now be in condition for allowance.

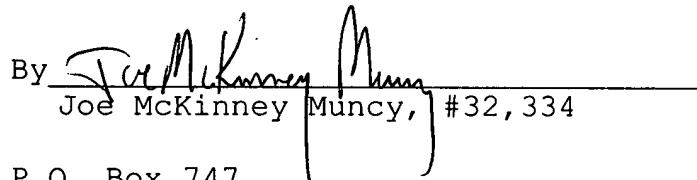
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at (703) 205-8000 in the Washington, D.C. area, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant respectfully petitions for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$110.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment(s)